

**Court of Appeal
Fourth District, Division 2
San Bernardino, California**

**Minutes
October 1, 1998**

E020775 People v. Reyes Acuna Monarrez, Jr. Modification of Opinion
No Change in Judgment.
McKinster, J.
We concur: Hollenhorst, Acting P.J., Gaut, J.
Certified for Publication

**Court of Appeal
Fourth District, Division 2
San Bernardino, California**

**Minutes
October 2, 1998**

E020635 Venes J. Uliana v. Robert M. Finsten

Appellant's petition for rehearing is denied.

E020839 DeBellis, Inc. v. Ins. Brokers Management, Inc. et al.

Judgment Reversed.

Ward, J.

We concur: Hollenhorst, Acting P.J., Gaut, J.

Opinion

E021039 People v. Ronald E. Rodola

Judgment affirmed.

Hollenhorst, Acting P.J.

We concur: Richli, J., Gaut, J.

Opinion

**Court of Appeal
Fourth District, Division 2
San Bernardino, California**

**Minutes
October 5, 1998**

E020304 Norma Fay v. Charles Fay

Opinion

Judgment affirmed.

Richli, J.

We concur: McKinster, Acting P.J., Ward, J.

E021100 Robert L. McCurry v. Ronald G. McCurry

Opinion

Judgment affirmed.

Richli, J.

We concur: McKinster, Acting P.J., Ward, J.

**Court of Appeal
Fourth District, Division 2
San Bernardino, California**

**Minutes
October 6, 1998**

Court convened at 9:20 a.m.

Panel 1
Present:
Ramirez, P.J.
McKinster, J.
Gaut, J.
P. D. Garcia, Deputy Clerk

E016293 Rocco A. Dilucchio v. Linda S. Dilucchio

Merits. Cause called and Sergio A. Retamal, Esq., argued for appellant; Morton Gollin, Esq., argued for respondent. Cause submitted.

Court recessed.

Court reconvened.

Panel A
Present:
Hollenhorst, Acting P.J.
Richli, J.
Ward, J.
P. D. Garcia, Deputy Clerk

E019613 Brian S. Deam v. P. Leslie Harold et al.

Merits. Cause called and James T. Jackson, Esq. argued for appellant; Richard Newman, Esq., argued for respondents Psychological Health Group et al., William M. Aitken, Esq. argued for respondents County of San Bernardino et al., and Cindy Bonner, Esq., argued for respondent Mary Castle. Cause submitted.

Court recessed.

**Court of Appeal
Fourth District, Division 2
San Bernardino, California**

**Minutes
October 6, 1998**

Court reconvened.

Panel 1a

Present:

Ramirez, P.J.

Richli, J.

Ward, J.

P. D. Garcia, Deputy Clerk

E020495 People v. Eleanor L. Reynolds

Merits. Cause called and Paul R. Ward, Esq., argued for appellant; Lora Fox Martin, Deputy Attorney General, argued for respondent. Cause submitted.

E020578 People v. Alfred R. Kidd

Merits. Cause called and Robert W. Gehring, Esq., argued for appellant; Lora Fox Martin, Deputy Attorney General, argued for respondent. Cause submitted.

E021103 People v. Luis F. Ballesteros

Merits. Cause called and Stephen S. Buckley, Esq., argued for appellant; Steven T. Oetting, Deputy Attorney General, argued for respondent. Cause submitted.

Court recessed.

**Court of Appeal
Fourth District, Division 2
San Bernardino, California**

**Minutes
October 6, 1998**

Court reconvened at 1:30 p.m..

Panel 2a
Present:
Ramirez, P.J.
Hollenhorst, J.
McKinster, J.
Kelly Conn, Deputy Clerk

E018 288 Luz M. Prieto, etc. et al. v. Louis D. Menell et al.

Merits. Cause called and Frank P. Barbaro, Esq., argued for appellants Eileen Prieto et al. and Randel L. Ledesma, Esq., argued for respondent County of Riverside. Cause submitted.

E021529 G.E. Engine Maintenance/Electric Inc.(cont frm. Mar/Jul)

Merits. Cause called and Joan B. Carmack, Esq., argued for petitioner; Armand J. Pasano, Esq., argued for Respondent Craig Main. Cause submitted.

E019397 Circle K Corp. v. Triad Partners, Inc., et al

Merits. Cause called and Willam S. Loomis, Esq., argued for appellants; Kathleen M. Keefe, Esq., argued for respondent. Cause submitted.

Court recessed.

Court reconvened.

Panel 2b
Present:
Ramirez, P.J.
Richli, J.
Gaut, J.
Kelly Conn, Deputy Clerk

E022538 DPSS v. Cynthia C.

Merits. Cause called and Thomas E. Beltran, Esq., argued for petitioner; Tanya Galvan, Esq., argued for respondent; Kate M. Chandler, Esq., argued for minor. Cause submitted.

**Court of Appeal
Fourth District, Division 2
San Bernardino, California**

**Minutes
October 6, 1998, cont'd.**

E019830 Carole Andrade et al. v. The Day Company et al.

Merits. Cause called and Earl Wade Shinder, Esq., argued for appellants; Adam C. Thiel, Esq., argued for respondents Day Construction Co. et al.; Walter J. Hogan argued for respondent City of Victorville. Cause submitted.

Court adjourned.

**Court of Appeal
Fourth District, Division 2
San Bernardino, California**

**Minutes
October 6, 1998**

E020019 People v. Robert W. Morris
Appellant's petition for rehearing is denied.

E018586 People v. Theodis Nathaniel Brown et al.
Judgment affirmed with directions.
Ramirez, P.J.
We concur: McKinster, J., Richli, J.

Opinion

**Court of Appeal
Fourth District, Division 2
San Bernardino, California**

**Minutes
October 7, 1998**

Court convened at 9:30 a.m.

Panel 3
Richli, Acting P.J.
Ward, J.
Gaut, J.
Steven McElroy, Deputy Clerk

E021844 S.B. Unif. School Dist. v. W.C.A.B.

Counsel having previously waived oral argument in the above entitled cause in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and cause is submitted.

Panel 3a
Present:
Hollenhorst, Acting P.J.
McKinster, J.
Ward, J.
Steven McElroy, Deputy Clerk

E018760 Allen Scharton et al. v. S & H Investments et al.

Merits. Cause called and Dan G. McKinney, Esq., argued for appellants; Timothy J. Trager, Esq., argued for respondents. Cause submitted.

E020291 County of Riverside v. Helen Toth et al.

Merits. Cause called and Henry Workman, Esq., argued for appellants; Allen B. Gresham, Esq., argued for respondent. Cause submitted.

E020531 Travelers Indemnity Co. v. City of Redlands Redevelopment

Merits. Cause called and Kendall Cuadry, Esq., argued for appellant; Cynthia M. Germano, Esq., argued for respondent. Cause submitted.

E022144 Dorothy J. Rose v. David S. Rose

Merits. Cause called and Jeffrey W. Doeringer, Esq., argued for appellant; Lawrence M. Gassner, Esq., argued for respondent. Cause submitted.

Court adjourned.

**Court of Appeal
Fourth District, Division 2
San Bernardino, California**

**Minutes
October 7, 1998**

E021285 People v. Mark L. Ulery

Opinion

Judgment affirmed.

McKinster, J.

We concur: Ramirez, P.J., Ward, J.

E022263 People v. Alberto J.

Opinion

Judgment affirmed.

Richli, J.

We concur: Hollenhorst, Acting P.J., McKinster, J.

E021693 People v. Kennedy

Opinion

Judgment affirmed.

McKinster, J.

We concur: Ramirez, P.J., Ward, J.

**Court of Appeal
Fourth District, Division 2
San Bernardino, California**

**Minutes
October 8, 1998**

E017964	Martinez et al. v. County of San Bernardino et al. No change in judgment. Denial of petition for rehearing. Ward, J. We concur: Hollenhorst, Acting P.J., Gaut, J.	Modification of Opinion
E020495	People v. Eleanor Reynolds Judgment affirmed. Richli, J. We concur: Ramirez, P.J., Ward, J.	Opinion
E022074	People v. Harold P. Judgment affirmed. Richli, J. We concur: Hollenhorst, Acting P.J., McKinster, J.	Opinion
E021004	People v. Harold C. Schlenker Judgment affirmed. Richli, J. We concur: Hollenhorst, Acting P.J., McKinster, J.	Opinion
E022388	Anthony E. et al. v. Riverside County Superior Court; D.P.S.S. Petition Denied. McKinster, J. We concur: Hollenhorst, Acting P.J., Ward, J.	Opinion
E021668	People v. Rodney G. Lawrence Judgment affirmed. Hollenhorst, Acting P.J. We concur: McKinster, J., Richli, J.	Opinion
E020876	People v. Joseph P. Haran Judgment affirmed. McKinster, J. We concur: Hollenhorst, Acting P.J., Gaut, J.	Opinion
E021541	People v. Tony L. Miller Judgment affirmed. Hollenhorst, Acting P.J. We concur: McKinster, J., Richli, J.	Opinion

**Court of Appeal
Fourth District, Division 2
San Bernardino, California**

**Minutes
October 8, 1998 (cont.)**

E021747 DPSS v. Beverly R.

Opinion

Judgment affirmed.

Ward, J.

We concur: Ramirez, P.J., McKinster, J.

**Court of Appeal
Fourth District, Division 2
San Bernardino, California**

**Minutes
October 9, 1998**

E021837 People v. Kevin S. St. Jules

Opinion

Judgment affirmed.

Hollenhorst, Acting P.J.

We concur: McKinster, J., Richli, J.

**Court of Appeal
Fourth District, Division 2
San Bernardino, California**

**Minutes
October 12, 1998**

Holiday.

**Court of Appeal
Fourth District, Division 2
San Bernardino, California**

**Minutes
October 13, 1998**

- | | | |
|-----------------|--|----------------|
| E019830 | Carole Andrade et al. v. The Day Company et al. | Opinion |
| | Judgment affirmed.
Gaut, J.
We concur: Ramirez, P.J., Richli, J. | |
| E020191 | People v. Mario E. Pinto et al. | Opinion |
| | Judgment affirmed with directions.
Richli, J.
We concur: Ramirez, P.J., Hollenhorst, J. | |
| E021103 | People v. Luis F. Ballesteros | Opinion |
| | Judgment affirmed and remanded with directions. | |
| *E022344 | In re Luis F. Ballesteros on Habeas Corpus | |
| | Petition denied.
Ward, J.
We concur: Ramirez, P.J., Richli, J.
*Considered with appeal | |

**Court of Appeal
Fourth District, Division 2
San Bernardino, California**

**Minutes
October 14, 1998**

- | | | |
|----------------|--|----------------|
| E022454 | People v. Michael A. | Opinion |
| | Judgment affirmed with directions.
Richli, J.
We concur: Hollenhorst, Acting P.J., McKinster, J. | |
| E021477 | People v. Jason P. | Opinion |
| | Judgment affirmed.
Richli, J.
We concur: Hollenhorst, Acting P.J., McKinster, J. | |
| E021165 | People v. Gary M. Carpenter | Opinion |
| | Judgment affirmed.
Ward, J.
We concur: McKinster, Acting P.J., Gaut, J. | |

**Court of Appeal
Fourth District, Division 2
San Bernardino, California**

**Minutes
October 15, 1998**

- E021608 People v. Michael J. Hicks**
Appellant's petition for rehearing is denied.
- E021377 People v. Jeremy M. Chaney** **Opinion**
Judgment affirmed.
McKinster, J.
We concur: Hollenhorst, Acting P.J., Gaut, J.
- E023359 People v. Robert Valdivia**
E023487 People v. Martin Ortiz
Case Nos. E023359 and E023487 are consolidated for the purposes of one record, briefing, oral argument and decision. Case number E023359 is designated the master file.
- E019478 People v. Eleticia Macias Lizama et al.**
E023440 People v. Eleticia Lizama
Case Nos. E019478 and E023440 are consolidated for the purposes of oral argument and decision. Case number E019478 is designated the master file.
- E021413 People v. Edwin Engelton** **Opinion**
Judgment affirmed.
Hollenhorst, Acting P.J.
We concur: Richli, J., Gaut, J.
- E020578 People v. Alfred R. Kidd** **Opinion**
Judgment affirmed.
Ramirez, P.J.
We concur: Richli, J., Ward, J.
- E022538 DPSS v. Cynthia C.** **Opinion**
Judgment affirmed.
Gaut, J.
We concur: Ramirez, P.J., Richli, J.
- E021130 People v. Ramon P. Pena** **Opinion**
Judgment affirmed.
McKinster, J.
We concur: Hollenhorst, Acting P.J., Richli, J.
- E021891 People v. Edward M. Grijalva** **Opinion**
Judgment Reversed and remanded .
McKinster, J.
We concur: Hollenhorst, Acting P.J., Richli, J.

**Court of Appeal
Fourth District, Division 2
San Bernardino, California**

**Minutes
October 16, 1998**

E022903 People v. Maurice Reaves et al.

E023362 People v. Termaine Donte Tuggle

Appeals consolidated for all purposes; E022903 is designated master file.

**Court of Appeal
Fourth District, Division 2
San Bernardino, California**

**Minutes
October 19, 1998**

E020531 Travelers Indemnity Co. v. City of Redlands Redevelopment

Opinion

Judgment Reversed.

Hollenhorst, J., Acting P.J.,

We concur: McKinster, J., Ward, J.

E020155 People v. Carl Waylon Moore

Opinion

Judgment Affirmed.

Richli, J.

We concur: Hollenhorst, Acting P.J., McKinster, J.

**Court of Appeal
Fourth District, Division 2
San Bernardino, California**

**Minutes
October 20, 1998**

- | | | |
|----------------|---|----------------|
| E022854 | Dept. Of Public Social Services et al. v. Alma O.
Judgment affirmed.
Hollenhorst, J.
We concur: Ramirez, P. J., Gaut, J. | Opinion |
| E020291 | County of Riverside v. Helen Toth et al.
Judgment reversed and remanded with directions.
Hollenhorst, Acting P.J.
I concur: McKinster, J.
I concur by opinion: Ward, J. | Opinion |
| E018631 | Ellen L. Trover etc. v. Linda Dervishi
Judgment affirmed.
Ramirez, P.J.
We concur: McKinster, J., Gaut, J. | Opinion |
| E017295 | Rocco A. Dilucchio v. Linda S. Dilucchio
Judgment affirmed.
Ramirez, P.J.
We concur: McKinster, J., Gaut, J. | Opinion |
| E016293 | Rocco A. Dilucchio v. Linda S. Dilucchio | Opinion |
| E016709 | Dilucchio's One Stop, Inc. et al. v. Linda Sue Dilucchio et al.
Judgment dismissed in part and affirmed in part as to appeal No. E016293; affirmed as to appeal No. E016709.
Ramirez, P.J.
We concur: McKinster, Acting P.J., Gaut, J.
*Consolidated for Decision | |
| E021844 | S.B. Unif. School Dist. v. W.C.A.B. et al.
Judgment order annulled.
Richli, Acting P.J.
We concur: Ward, J., Gaut, J. | Opinion |
| E021592 | People v. Michael D. Weaver
Judgment affirmed.
Hollenhorst, Acting P.J.
We concur: McKinster, J., Richli, J. | Opinion |

**Court of Appeal
Fourth District, Division 2
San Bernardino, California**

**Minutes
October 20, 1998**

E020162 Henry Billings, etc. v. Ross Dvorak et al.
Judgment reversed in part and remanded.
Hollenhorst, J.
We concur: Ramirez, P.J., Gaut, J.

Opinion

**Court of Appeal
Fourth District, Division 2
San Bernardino, California**

**Minutes
October 21, 1998**

- | | | |
|----------------|---|----------------------------|
| E016735 | People v. Willie Ray Griffin et al
Judgment affirmed in part, reversed in part; remanded for resentencing.
Ramirez, P.J.
We concur: McKinster, J., Gaut, J. | Opinion upon Remand |
| E018760 | Allen Scharton, et al. v. S & H Investments, et al.
Judgment affirmed as modified.
Hollenhorst, Acting P.J.
We concur: McKinster, J., Ward, J. | Opinion |
| E019397 | Circle K Corp. v. Triad Partners, Inc., et al
Judgment Dismissed.
McKinster, J.
We concur: Ramirez, P.J., Hollenhorst, J. | Opinion |
| E021166 | People v. Gabriel L. Hernandez
Judgment affirmed.
Ramirez, P.J.
We concur: Ward, J., Gaut, J. | Opinion |
| E021596 | People v. Chester R. Gibbs
Judgment modified and affirmed.
Hollenhorst, Acting P.J.
We concur: McKinster, J., Richli, J. | Opinion |
| E020845 | Ulysses J. Lyons v. Joseph A. Lyons
Judgment affirmed.
Hollenhorst, J.
We concur: Ramirez, P.J., Gaut, J. | Opinion |
| E021136 | People v. Ubaldo Santana
Judgment affirmed.
Hollenhorst, Acting P.J.
We concur: McKinster, J., Richli, J. | Opinion |
| E021967 | People v. Walter Padgett
Judgment affirmed.
McKinster, J.
We concur: Hollenhorst, Acting P.J., Richli, J. | Opinion |

**Court of Appeal
Fourth District, Division 2
San Bernardino, California**

**Minutes
October 22, 1998**

E021389	People v. Louie J. Gallegos No change in Judgment. Petition for Rehearing Denied. McKinster, J. We concur: Ramirez, P.J., Ward, J.	Modification of Opinion
E020678	People v. Bruce D. Blair Judgment affirmed. Ward, J. We concur: Ramirez, P. J., Gaut, J.	Opinion
E021529	G.E. Engine Maintenance/Electric Inc. v. W.C.A.B et al. Ordered annulled. Hollenhorst, J. We concur: Ramirez, P.J., McKinster, J.	Opinion
E021379	People v. Tyrell D. Thomas Judgment affirmed. Ward, J. We concur: Ramirez, P.J., Gaut, J.	Opinion
E016568	People v. Angel Moscoro Cortina Judgment affirmed; remanded for resentencing. Ramirez, P.J. McKinster, J., Richli, J.	Opinion

**Court of Appeal
Fourth District, Division 2
San Bernardino, California**

**Minutes
October 23, 1998**

E021890 People v. James T. Leone

Opinion

Judgment affirmed.

Hollenhorst, Acting P.J.,

We concur: McKinster, J., Richli, J.

**Court of Appeal
Fourth District, Division 2
San Bernardino, California**

**Minutes
October 26, 1998**

- | | | |
|----------------|---|--------------------------------|
| E020865 | Maggi Michaels-Brae v. Assessment Resources Dev. et al.
Judgment affirmed.
Richli, J.
We concur: McKinster, Acting P. J., Ward , J. | Opinion |
| E022144 | Dorothy J. Rose v. David S. Rose
Judgment affirmed.
McKinster, J.
We concur: Hollenhorst, Acting P.J., Ward, J. | Opinion |
| E021385 | People v. Anthony Stitt
Judgment affirmed.
Richli, J.
We concur: Hollenhorst, Acting P.J., McKinster, J. | Opinion |
| E022688 | People v. Salomon V.
Judgment affirmed.
Richli, J.
We concur: Hollenhorst, Acting P.J., McKinster, J. | Opinion |
| E021412 | People v. Frederick L. McKinon
No change in judgment.
Petition for rehearing denied.
Ramirez, P.J.
We concur: Hollenhorst, Acting P.J., Ward, J. | Modification of Opinion |
| E018016 | Jim Estevanovich et al. v. City of Riverside
Submission vacated and cause is resubmitted.
Hollenhorst, Acting P.J.
We concur: Ward, J., Gaut, J. | |
| E022267 | People v. Markell Williams
Judgment affirmed.
Hollenhorst, Acting P.J.
We concur: McKinter, J., Richli, J. | Opinion |

**Court of Appeal
Fourth District, Division 2
San Bernardino, California**

**Minutes
October 27, 1998**

E021795	People v. Faamanatu Iloilo Judgment affirmed. Ramirez, P.J. We concur: Hollenhorst, J., Gaut, J.	Opinion
E022635	People v. Hilliard Colbert Judgment affirmed. Ramirez, P.J. We concur: Hollenhorst, J., Gaut, J.	Opinion
E019265	People v. Steven A. Thomas Judgment affirmed and remanded with directions. Gaut, J. We concur: Ramirez, P. J., Ward, J.	Opinion
E021524	People v. Kenneth L. Howard Judgment affirmed. Hollenhorst, Acting P.J. We concur: McKinster, J., Richli, J.	Opinion
E021107	People v. Steven M. Gabryelski Judgment affirmed in part, vacated in part and remanded. Ward, J. We concur: Ramirez, P. J., Gaut, J.	Opinion
E018710	Gregg Schneidewind, et al. v. Steve Adams Judgment affirmed. Hollenhorst, J. We concur: Ramirez, P.J., Richli, J.	Opinion
E021621	People v. Kermit T. Frierson Judgment affirmed. Ramirez, P.J. We concur: Hollenhorst, J., Gaut, J.	Opinion
E020527	People v. Michael J. DiVita Judgment affirmed. Ramirez, P.J. We concur: Ward, J., Gaut, J.	Opinion

**Court of Appeal
Fourth District, Division 2
San Bernardino, California**

**Minutes
October 28, 1998**

- | | | |
|----------------|--|--------------------------------|
| E020864 | People v. Canuto L. Lopez | Opinion |
| | Judgment affirmed.
McKinster, J.
We concur: Hollenhorst, Acting P.J., Richli, J. | |
| E020124 | Helen I. Kross et al. v. Homeowners Assoc. Monte Vista Est. | Modification of Opinion |
| | No change in judgment.
Denial of petition for rehearing.
Hollenhorst, Acting P.J.
We concur: Richli, J., Ward, J. | |
| E021633 | People v. Dennis M. Gieck | Opinion |
| | Judgment affirmed with directions.
Ramirez, P.J.
We concur: Ward, J., Gaut, J. | |
| E022262 | People v. Michael Gochicoa | Opinion |
| | Judgment affirmed.
Ramirez, P.J.
We concur: Hollenhorst, J., Gaut, J. | |
| E020172 | People v. Ray Levine | Opinion |
| | Judgment affirmed.
Ward, J.
We concur: Ramirez, P.J., Gaut, J. | |

**Court of Appeal
Fourth District, Division 2
San Bernardino, California**

**Minutes
October 29, 1998**

E021674	DPSS v. Patrick C.	Opinion
	Judgment affirmed. McKinster, Acting P.J. We concur: Richli, J., Ward, J.	
E022389	People v. Henry Maestas	Opinion
	Judgment affirmed. Ramirez, P.J. We concur: Hollenhorst, J., Gaut, J.	
E022309	People v. Mark A. Smith	Opinion
	Judgment affirmed. Ramirez, P.J. We concur: Hollenhorst, J., Gaut, J.	
E022318	People v. Rhonda A. Mills-Seidel	Opinion
	Judgment affirmed. Ramirez, P.J. We concur: Hollenhorst, J., Gaut, J.	
E022736	In re AUSTIN B. et al., Persons Coming Under the Juvenile Court Law. Dept. of Public Social Services v. Jesus B. et al.	Opinion
	Affirmed order terminating parental rights.. Ward, J. We concur: McKinster, Acting P.J., Richli, J.,	

**Court of Appeal
Fourth District, Division 2
San Bernardino, California**

**Minutes
October 30, 1998**

- | | | |
|----------------|---|----------------|
| E020447 | People v. Luis A. Garcia
Judgment affirmed.
Ramirez, P.J.
We concur: Ward, J., Gaut, J. | Opinion |
| E021627 | Oakview Construction, Inc. v. Environmental Control Modules
Judgment affirmed.
Gaut, J.
We concur: Ramirez, P.J., Hollenhorst, J. | Opinion |
| E019448 | People v. Daniel R. Jauregui
Judgment Reversed and remanded for new trial.
Ward, J.
We concur: Ramirez, P.J., Hollenhorst, J. | Opinion |
| E022626 | In re PATRICIA K., et al., Persons Coming Under the Juvenile
Court Law.
Dept. of Public Social Services v. Sandye W.
Affirmed orders terminating partental rights..
Gaut, J.
We concur: Ramirez, P.J., Hollenhorst J. | Opinion |